IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 7610 of 2004

Between:

1 P. Veeraswamy, S/o.Pullaiah
R/o Nellore
2 D. Prabhakar, S/o Chalapathi Gupta,
R/o Nellore
3 D. Swarna Latha, W/o Prabhakar
R/o Nellore

..... PETITIONER(S)

AND

1 The Mandal Revenue Officer, Nellore Mandal, Nellore District
2 The Commissioner, Nellore Municipality, Nellore
3 The Executive Engineer, R&B Department, Nellore

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seeking to demolish the shop rooms of the 1st petitioner in first and 2nd floors bearing assessment NO. 3051 in Ward No.17 (old ward No.12) situated towards western side of Trunk Road, Nellore and the shop rooms of the 2nd and 3rd petitioners in the ground floor bearing Door No. 303-1 situated in Ward No. 17 towards west of the GNT road Nellore without following the due process of law as illegal, unconstitutional and violative of the provisions of Land Acquisition Act, principles of natural justice Article 14 and 21 of the Constitution of India and consequently direct the respondents not to take steps to demolish the above said shop rooms without following due process of the law.

Counsel for the Petitioner:MR.M.VENKATA NARAYANA

Counsel for the Respondent Nos.1 and 3: GP FOR REVENUE

Counsel for the Respondent No.2:MR.SRINIVAS DAMMALAPATI

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7610 OF 2004

ORDER:

The petitioners own shop rooms bearing D.No.303/1 in Ward No.17, in Nellore. They allege that respondents visited the shops four days prior to filing the Writ Petition and took measurements with an intention to demolish a portion of shop for the purpose of road widening. Apprehending the demolition without due process of law, the petitioners filed the present Writ Petition and obtained interim orders.

The respondents have now moved this Court by filing W.V.M.P.No.2087 of 2004 along with a counter affidavit. Though interlocutory matters are listed, with the consent of the learned counsel for the petitioners and the learned counsel for the respondents the Writ Petition itself is heard finally and is being disposed of. In the counter affidavit it is stated that there is no proposal to widen the road and the allegation made by the petitioners is denied.

In that view of the matter, recording the submission made in the counter affidavit, the Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

23.9.2004

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To

1 The Mandal Revenue Officer, Nellore Mandal, Nellore District
2 The Commissioner, Nellore Municipality, Nellore
3 The Executive Engineer, R&B Department, Nellore

4 2 CCs tp G.P.for Revenue, High Court Buildings, Hyderabad (OUT)

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